

MEMO ENDORSED



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October 23, 2020

BY ECF

Honorable Judge Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Zahirah Medina v. City of New York, et al.
20 Civ. 797 (VEC)

Your Honor:

I am an Assistant Corporation Counsel assigned to the defense of the City of New York and Officer Christopher Wintermute ("City Defendants") in the above-referenced matter. I write to request a stay of the current discovery deadlines in light of the possibility of defendants' motion for Judgment on the Pleadings being fully dispositive of plaintiff's Complaint. Plaintiff consents to this request.

Briefly, by way of background, on October 9, 2020, defendants submitted their Motion pursuant to Rule 12(c) of the Federal Rules of Civil Procedure ("Rule 12(c)"). See Docket Entry 30-32. Pursuant to Your Honor's briefing schedule, plaintiff's opposition is currently due by November 6, 2020, and defendants' Reply is due by November 20, 2020. See Docket Entry 34. In light of defendants' motion, which may narrow or fully dismiss plaintiff's claims, and in an effort to preserve both judicial and the parties' resources, defendants believe discovery should be stayed pending the outcome of their motion. *See, Ricciuti v. N.Y.C. Transit Auth.*, 1991 U.S. Dist. LEXIS 13981, at *2 (S.D.N.Y. Oct. 3, 1991) ("any motion [to dismiss], particularly when the motion addresses a significant portion of the complaint..., will suspend the time to answer any claim." *Ricciuti v. N.Y.C. Transit Auth.*, 1991 U.S. Dist. LEXIS 13981, at *2 (S.D.N.Y. Oct. 3, 1991)).

Accordingly, defendants request a stay of the current discovery deadlines in light of defendants' potentially dispositive motion pursuant to Rule 12(c).

Thank you for your consideration herein.

Respectfully submitted,

/s/ Giancarlo Martinez

Giancarlo Martinez
Assistant Corporation Counsel
Special Federal Litigation Division

cc: All Counsel of Record (via ECF)

Application GRANTED. Discovery is
STAYED pending resolution of
Defendant's motion.

SO ORDERED.



10/23/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE